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CITY OF NEW BEDFORD

In the Year Two Thousand and Ten

AN ORDINANCE

RELATIVE TO TEXT MESSAGING

31- 500

Be it ordained by the City Council of the City of New Bedford as follows:--

SECTION 1. Chapter 23 of the Code of Ordinances is hereby amended by inserting, after Section 23-27, the following new Sections:-

23-28. Electronic messaging by vehicle operators – Definitions.

- (a). "Electronic message", as used in Sections 23-28 thru 23-30 shall mean a piece of digital communication that is designed or intended to be transmitted between a mobile electronic device and any other electronic device. "Electronic message" includes, but is not limited to, electronic mail, electronic message, a text message, an instant message, a command or request to access an internet site, or any message that includes a keystroke entry sent between mobile electronic devices.
- (b). "Mobile telephone", a handheld or portable cellular, analog, wireless, satellite or digital telephone, including a telephone with two-way radio functionality, capable of sending or receiving telephone communications and with which a user initiates, terminates or engages in a call using at least one hand.

23-29. Electronic messages by vehicle operators – Prohibited.

No operator of a motor vehicle on any street in the City of New Bedford shall use a mobile telephone, or any device capable of accessing the internet, to compose, send, or read an electronic message while operating a motor vehicle. For the purposes of this Section, an operator shall not be considered to be operating a motor vehicle if the vehicle is stationary and not located in a part of the public way intended for travel.

23-30. Electronic messages by vehicle operators – Penalties.

A violation of Section 23-29 shall be punishable by a fine of \$100 for a first offense, by a fine of \$200 for a second offense and by a fine of \$300 for a third or subsequent offense.

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SECTION 2.

Paragraph (j) of Section 17-18 of Chapter 17 of the Code of Ordinances is hereby amended by inserting, after the line beginning with "23-27", the following line:

23-29; 23-30. Electronic messages by vehicle operators - Prohibited.

- | | |
|--------------------------------------|----------|
| 1. First offense. | \$100.00 |
| 2. Second offense. | \$200.00 |
| 3. Third and any subsequent offense. | \$300.00 |

SECTION 3.

This Ordinance shall take effect in accordance with the provisions of Chapter 43 of the General Laws.

IN CITY COUNCIL, March 25, 2010

Passed to a Second Reading.

Rita D. Arruda, City Clerk

IN CITY COUNCIL, April 22, 2010

Passed to be Ordained and Rule 40 Waived - Yeas 10, Nays 0.

Rita D. Arruda, City Clerk

Presented to the Mayor for approval April 23, 2010.

Rita D. Arruda, City Clerk

Approved April 23, 2010.

Scott W. Lang, Mayor

a true copy, attest:

Rita D. Arruda

City Clerk

New Bedford City Council OKs texting ban

By CHARIS ANDERSON

canderson@s-t.com

April 23, 2010 12:00 AM

NEW BEDFORD — The City Council on Thursday unanimously approved a new ordinance that bans text messaging while driving within the city limits.

"Tonight we're sending ... a message that's stating that text messaging while driving here in the city of New Bedford ... will not be tolerated," Ward 2 Councilor Steve Martins said. "Text messaging while driving has become a serious threat to the safety of our roads."

The council voted 10-0 in favor of the ordinance. Councilor-at-large John Saunders was absent.

The ordinance will be sent to Mayor Scott W. Lang to be signed into law.

Lang on Thursday night praised the action taken by the council and said he will sign the ordinance.

"I think it will keep people safe," he said. "I think it's very difficult to text and drive without putting yourself and others in danger."

The new ordinance, which creates a broad ban on text messaging, prohibits anyone from using a mobile phone or other Internet-equipped device from writing, sending or reading an electronic message while driving a motor vehicle.

Violators will be slapped with a \$100 fine for their first offense, \$200 for a second offense and \$300 for subsequent offenses.

Martins, frustrated with the slow pace of similar legislation at the state level, first asked his colleagues to consider creating the ordinance in December 2009.

"We waited far too long for a bill to be put into place," he said. "The people we represent ... deserve to feel safe here in New Bedford."

Martins said he hopes the action taken by the council Thursday night will pressure the Legislature into taking action.

"It took us three months," he said. "Our state lawmakers have been working on a bill for years ... and they still haven't decided."

Councilor-at-large Brian Gomes on Thursday said, as chairman of the council's public safety committee, that he was proud to vote for the ordinance.

"This will send a clear message to making our streets safer for everyone," he said. "It's just too bad that on the state level that something can't be pushed through so we're covered on the state level."

Legislation that would ban text messaging while driving passed in both chambers of the state Legislature earlier this year. The bills were sent to conference committee, where the differences between them will be hashed out and one cohesive bill created, according to state Rep. Stephen R. Canessa.

Once the bill emerges from conference committee, it is subject to approval by the House and the Senate. It then goes to Gov. Deval Patrick, said Canessa, D-New Bedford.

"I think some of us are getting somewhat impatient with the fact that an agreement hasn't yet been worked out," he said.

"Every day that moves on without this legislation in place is a day we run the risk of possibly having even more accidents on our roadways."

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